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LETTER

FROM

Thomas Paine

MR. WHITNEY, OF NEW YORK,

TO

HIS CONSTITUENTS.

[Handwritten scribble]



WASHINGTON:
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LETTER.

WASHINGTON, July 17, 1856.

To my Fellow-Citizens of the Fifth

Congressional District of the State of New York :

The present session of the 34th Congress has thus far been distinguished on account of the virulent sectional spirit which has pervaded its deliberations. For the first time in the history of our country a political party, constituted upon "geographical discriminations," has acquired the ascendancy in the House of Representatives, and its effects are visible in the feverish—I had almost said, the frantic—agitation which now shakes the public mind. Unscrupulous politicians, not the least of whom are of our own State, hopeless of aggrandizement through the ordinary channels of political strategy, have fanned up the flames of sectional hatred, and under the assumed garb of philanthropists, have made hypocritical appeals to Northern men and Northern women, with the sole object of building up a Northern party, upon the shoulders of which they hope to ride to the consummation of their ambitious desires. To this end they have made appeals to you, in the name of *humanity*, on behalf of the oppressed slave;—they have called on you to resist the aggressions of the "slave power" upon free territory;—they have demanded the restoration of the Missouri compromise, and urged you that, abandoning all other preferences, all your convictions of judgment and patriotism, and all your cherished views and measures of national policy, to fight their fight in what they call "the cause of Freedom," and elect their candidates to office! How much of sincerity has sanctified their professions may be gleaned from the utter barrenness of all their public acts relating directly or indirectly to that subject.

The repeal of the Missouri Compromise—an act perpetrated in violation of every principle of public faith—while it outraged the public sentiment, gave an impetus to the schemes of those designing men. An instantaneous demand was made for the restoration of that time-honored compact, or in default of that, it was demanded that Kansas and Nebraska should be admitted into the Union as free States. Nebraska being too remote to enter at present into the controversy, the advocates of free soil and the advocates of Southern institutions have turned their eyes instinctively towards Kansas, which has, in consequence, become the great battle ground of sectional discussion. I need not relate to you how the conflict has raged; you are as familiar with that as I am; but what have the declared "friends of Freedom"—the great champions of free soil, the men in Congress to whom you look for action;—what have they done for Kansas? They have done much to inflame your minds and to promote sec-

tional discord, but nothing of practical utility. They have introduced a bill with the following title:

A BILL for the admission of the State of Kansas into the Union.

And I have been charged with "voting against the freedom of Kansas," and with leaving her in the hands of "border ruffians," because I voted against that bill—a bill which I pronounce to be not only a mockery of the needs of the Territory, but a fraud, a wilful and designed fraud, upon the honest sentiment of the North. It was never designed as a means of introducing Kansas into the Union, and it were no less than an insult to the plain common sense of Senators and Representatives, to assert that any one of them ever supposed it could by any possibility become a law. The sentiment of the Northern States demands that Kansas shall be admitted as a free State. This bill could not effect that object, and it may, therefore, be justly denominated an act of false pretence. Had its projectors been candid, they would have entitled it thus:

"A bill to promote the election of John C. Fremont to the Presidency, by throwing dust in the eyes of the people of the Free States."

As painted by those men, Kansas at this moment presents the aspect of a lone virgin, beautiful but haggard, terrified and bleeding. Upon one of her arms, which are raised imploringly for succor, is fixed a corroding manacle, and her fair flesh is scared with lacerated weals of the scourge: and yet, they who profess to be her especial guardians and friends, heartlessly insult her misery with cold and ostentatious mockery!

In order to understand this subject clearly, it is necessary to glance at the history of this extraordinary bill. The preamble to the bill reads as follows:

"Whereas, The people of Kansas have presented a Constitution, and asked for admission into the Union, which Constitution, on due examination, is found to be republican in its form of government; Be it enacted, &c."

Thus the Bill is inaugurated with a palpable misrepresentation. *The people of Kansas did not* present that constitution. It was presented by *a party* which had arrayed itself in direct hostility to the legitimate government of the Territory;—a government which Governor Reeder himself had recognized and been a part of. It was a constitution adopted in a revolutionary spirit at Topeka, and so palpably irregular and illegal, that the Senate of the United States, to which it had been first presented, refused to give it the smallest consideration, and the honorable Senator by whom it was introduced obtained leave to withdraw it.

The revolutionary character of the body of men who prepared this constitution, and the lawless spirit which actuated them, are best shown in their own proceedings, among which are the following resolutions, passed with but one dissenting voice:

"*Resolved*, That we owe no allegiance or obedience to the tyrannical acts of this spurious [regularly constituted Territorial] legislature; that their laws have no validity or binding force upon the people of Kansas; and that every free man amongst us is at full liberty, consistently with all his obligations as a citizen and a man, to defy and resist them, if he chooses so to do.

"*Resolved*, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to the bloody issue, as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall fur

nish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies and preparation of arms!"

Again, in the memorial as originally adopted by the Topeka Legislature, occurs the following extraordinary passage:

"By the provisions of the organic act, a government was established over the Territory, and officers were appointed by the President to administer said government. This form of government is unknown to the constitution, is extra-constitutional, and is only the creature of necessity awaiting the action of the people, and cannot remain in force contrary to the will of the people living under it. It may be regarded as a benevolent provision on the part of Congress thus to provide a government of their own; but when it becomes oppressive, or when the people become sufficiently strong to establish a government of their own, in accordance with the constitution of the United States, it is their right so to do, and thereby throw off that extended over them."

In this paragraph we find the spirit of revolution so intensified as to deny the authority of the United States over its own territory. It asserts a right in those who are permitted to enter upon the public domain, to trample upon and annul those regulations which, under the constitution, Congress is empowered to make for the preservation and disposition of the Territory. As it is not claimed that any Territory or people can enter the Union as a State, without the consent of Congress, the position assumed in this extract is equivalent to a declaration that any body of men may at any time seize, and set up a distinct and separate government on, the territory belonging to the people of the United States. This paragraph was, however, stricken from the memorial after it reached the city of Washington: but as exhibiting the temper of those who have made their appeal to the country, it is proper that the people of the country should see it.

And it is because I refuse to encourage this lawless spirit, that I am charged with being hostile to the freedom of Kansas! Be assured, the real enemies of free Kansas are those who, by political agitation and for sinister purposes, have baptized her soil with the blood of their innocent dupes.

But there is yet another and a very important feature in the inauguration of this extraordinary bill for the admission of Kansas into the Union. The memorial purporting to be from the Topeka Legislature, was brought to Washington *without a signature attached to it*, and after having been altered with additions, erasures, and interpolations, the names of the (so-called) Legislature were written thereon by parties in Washington. This is admitted in the statement made by Col. Lane to the Senate, through the honorable Senator from Iowa, (Mr. Harlan.)

It is asserted in the resolutions which I have quoted, that the Territorial Legislature of Kansas was tyrannical. Granted. Some of the acts of that body, passed in a season of impulse and excitement, were despotic, anti-republican, and, as I believe, unconstitutional. But the way of sure redress was nearer and pleasanter than the blood-stained pathway of revolution. It is a maxim in our system of government, that the people will endure the infliction of bad laws, peaceably, until the legitimate modes of redress are all exhausted; but those men, despising the republican maxim, pass by the courts, and, refusing all legal interposition, plunge at once into civil war, discard their allegiance, defy the authorities, organize an armed resistance, and resolve "to abide the bloody issue."

It is also asserted that the Legislature of Kansas is a "spurious" organization. This is denied on the face of notorious facts. The Legislature of that Territory is a legally constituted body, chosen by the people of the Territory. Mr. A. H. Reeder, who is now among the most active in denouncing it, was at the time of the election Governor of the Territory. It was he who issued the proclamation calling the election; it was he who appointed the judges of that election; it was he who laid out and prescribed the election districts, and it was to him that the returns of the election were made. Twenty-six members were chosen to the Territorial House of Representatives, and thirteen members were chosen to the Territorial Council. Governor Reeder ratified the returns of seventeen of the Representatives *as legally elected*, and in consequence of frauds he rejected nine. He also ratified the returns of ten of the Council *as legally elected*, and rejected three, ordering new elections to be held to supply the vacancy of those who were rejected. Thus, nearly two-thirds of the Representatives, and nearly all the Council elect to the Kansas Legislature were recognized, and received their credentials from Governor Reeder himself, the very man who now pronounces them a spurious organization!

The Legislature thus constituted assembled on the 2d day of July, 1855, at what was called Pawnee City, and was inaugurated with a message from Governor Reeder. Here the Legislature commenced the performance of the business of the Territory in full official communion with the Governor, but finding no convenient accommodations for its sittings, it determined to change its place of meeting to the Shawnee Mission. From that moment the Governor refused to recognize the public acts of the body, not on the ground that it was illegally constituted, or "spurious," but solely because it had changed its place of meeting.*

The results of this collision between the Executive and Legislative Departments of the Territory of Kansas, have been—

- 1st. The removal of Governor Reeder, and the appointment of a successor;
- 2d. The rebellion of the friends of Reeder against the new Governor and the Legislature;
- 3d. The convention of his friends at Topeka, which adopted the resolutions I have quoted, and also the constitution that was sent to Washington; and
- 4th. The introduction of the bill before alluded to.

Such is the brief history of that act by which the people of the North were made to believe that Kansas would be admitted as a free State into the Union! A more systematic scheme of political deception was never practised upon an intelligent and confiding people. Without even the pretence of possessing the requisite population; without the means of supporting the burthens of a State government; without the proper sanction of the people; without the authority of law; without any of the elements and surroundings of an independent State sovereignty or the ability to provide them, a party of men in Kansas have been criminally encouraged to

* I know nothing of the motive of Governor Reeder in thus opposing the change determined upon by the Legislature. It has been asserted, however, that he was a large land owner at Pawnee city, and desirous of making that place the seat of government.

brave the constituted authorities of the Territory and the nation, and with fraudulent credentials to demand the recognition of Congress.

Here are my reasons for voting against the bill which was introduced into the House of Representatives upon the basis of that very constitution which the Senate had refused to consider. To have voted for it would, in the first place, have been to sanction an organized resistance against the constituted authorities, by a body of men who had made no appeal to the proper judicial tribunals from any supposed or real act of tyranny, and in the second place, to have voted for it would have been to aid in the perpetration of a designed fraud upon those who really desire to see Kansas enter the Union as a free State. The manner in which the application had already been disposed of in the Senate was an assurance that it could not pass that body or become a law, and the immediate surroundings of the subject afforded ample proof that it was designed only as an electioneering document by the (so-called) Republican party.

Had the people of Kansas made an application to Congress asking admission into the Union as a free State;—had that application appeared as the offspring of popular sentiment, instead of being clothed in the garb of defiance and revolution;—had it come with even a fair semblance of legality, no vote would have been given more cheerfully in its favor than mine. I earnestly desire that Kansas shall enter the Union as a Free State; I am no advocate of the institution of slavery, yet with all its characteristics, whatever they may be, I cannot lose sight of the fact that it is the right of the people of every State to entertain or to reject it at their pleasure.

The Northern States have, from motives of interest, cast the institution from their borders, and it is not to be doubted that, if left to itself, free from the intermeddling dictation of those who have no immediate interest in it, it would speedily be banished from all the Middle States and some of the more Southern. The very attrition of the system of free labor, with its great moral and progressive power, is an incentive to emulation, and no Slave State can long withstand the disparaging contrast which is now presented in favor of free labor when the two systems are brought into neighborly contact. Through this cause alone, and by a natural and healthy process, the dignity of labor would be vindicated, and slavery gradually but permanently abandoned.

But this result can never be accomplished by forcible measures, without disturbing the equilibrium of the country, and jeopardizing at once the stability of the Federal compact, and the institutions of civil and religious freedom. To avert this danger, reliance must be had upon the patriotism and intelligence of the people in all the States—North, South, East, and West. They alone can shape the destiny of the American Republic. On them falls the responsibility of frowning down alike the sectional incendiary and the misguided fanatic. On the people rests the duty of preserving those blessings so dearly won, and too often so lightly valued, or of enduring the fearful alternative, disunion, civil war, and national annihilation.

Your obedient servant,

THOS. R. WHITNEY.

C I R C U L A R.

The undersigned, members of the NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN PARTY, have pleasure in announcing to the people, that satisfactory arrangements for the future maintenance of the AMERICAN ORGAN, as an authoritative *exponent and advocate* of the principles of the *American party*, have been completed.

Recommencing its labors, under these new auspices, the undersigned cheerfully commend the AMERICAN ORGAN to the generous confidence of the *American Party*, in every section of the Confederacy, and they hope its columns may command the widest circulation.

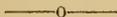
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WASHINGTON CITY, D. C., May 15, 1856.



P R O S P E C T U S O F T H E A M E R I C A N O R G A N.

The *American Organ* having been adopted, by the *Executive Committee* of the *American members of Congress*, as the *central organ* of the *American Party*, the proprietor, with a view to its general and extensive circulation throughout the country, has determined, on consultation with his political friends, to furnish the same to subscribers, whose subscriptions are remitted *after May 1st, and during the months of May, June, and July*, on the following reduced terms, to wit:

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VESPASIAN ELLIS,

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